

MINUTES

MONTANA SENATE 62nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Terry Murphy, on March 14, 2011 at 10:00 A.M., in Room 303 Capitol

ROLL CALL

Members Present:

Sen. Terry Murphy, Chair (R)
Sen. Jim Shockley, Vice Chair (R)
Sen. Shannon Augare (D)
Sen. Anders Blewett (D)
Sen. Jeff Essmann (R)
Sen. Greg Hinkle (R)
Sen. Rowlie Hutton (R)
Sen. Larry Jent (D)
Sen. Cliff Larsen (D)
Sen. Lynda Moss (D)
Sen. Jim Peterson (R)
Sen. Chas Vincent (R)

Members Excused: None

Members Absent: None

Staff Present: Valencia Lane, Legislative Branch
Pam Schindler, Committee Secretary

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: HB 18, 3/2/2011; HB 95, 3/2/2011
Executive Action: HB 456-Be Concurred In, HB 374-Be Concurred In, HB 95-Be Concurred In as Amended, HB 161-Be Concurred in as Amended (motion failed 6-6 tie vote)

HEARING ON HB 95

Opening Statement by Sponsor:

00:01:48 Rep. Walter McNutt (R), HD 37, opened the hearing on HB 95, Gen revise MT Human Rights Act-Indian preference-subpoenas-attorney fees.

Proponents' Testimony:

00:02:57 Jerry Keck, Administrator, Employment Relations Division, Department of Labor and Industry, State of Montana

[EXHIBIT\(jus57a01\)](#)

00:07:07 Bud Clinch, Executive Director, Montana Coal Council (MCC)

00:11:32 Annie Glover, Confederated Salish and Kootenai Tribes (CSKT)

Opponents' Testimony:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

00:16:03 Sen. Blewett

00:16:38 Mr. Keck

00:18:11 Sen. Shockley

00:18:51 Rep. McNutt

00:18:57 Sen. Essmann

00:19:17 Mr. Keck

Closing by Sponsor:

00:23:39 Rep. McNutt

00:35:05 Chairman Murphy

(Sen. Jent absent from the room)

EXECUTIVE ACTION ON HB 374

00:37:02 **Motion/Vote:** Sen. Blewett moved that **HB 374 BE CONCURRED IN**. Motion carried unanimously by roll call vote. Sen. Jent voted by proxy. Sen. Larsen will carry the bill.

EXECUTIVE ACTION ON HB 95

00:38:28 Valencia Lane, Legislative Services Division (LSD)

00:39:10 **Motion:** Sen. Essmann moved that **HB 95 BE CONCURRED IN**.

00:39:26 **Motion:** Sen. Essmann moved that **HB 95 BE AMENDED WITH A CONCEPTUAL AMENDMENT FOR PAGE 3 AFTER THE WORD "ENTERPRISE" ADD THE LANGUAGE "REQUIRED BY A CONTRACT OR OTHER AGREEMENT"**.

Discussion:

00:40:36 Sen. Augare

00:40:44 Ms. Lane

00:41:35 **Vote:** Motion carried unanimously by roll call vote.

00:42:14 **Motion/Vote:** Sen. Shockley moved that **HB 95 BE CONCURRED IN AS AMENDED**. Motion carried unanimously by roll call vote. Sen. Jent voted by proxy. Sen. Shockley will carry the bill.

(Sen. Jent entered the room)

EXECUTIVE ACTION ON HB 456

00:44:35 **Motion:** Sen. Hutton moved that **HB 456 BE CONCURRED IN**.

Discussion:

00:45:15 Sen. Moss

00:46:30 Sen. Larsen

00:47:26 Sen. Hinkle

00:48:23 Sen. Augare

00:49:03 Sen. Blewett

00:50:01 **Vote:** Motion carried 7-5 by roll call vote with Sen. Augare, Sen. Blewett, Sen. Jent, Sen. Larsen and Sen. Moss voting no. Sen. Walker will carry the bill.

(Recess)

EXECUTIVE ACTION ON HB 161

01:08:30 **Motion:** Sen. Shockley moved that **HB 161 BE CONCURRED IN.**

01:08:36 **Motion/Vote::** Sen. Shockley moved that **HB 161 BE AMENDED WITH A CONCEPTUAL AMENDMENT...."REPEAL OF 50-46-103 EFFECTIVE IMMEDIATELY UPON PASSAGE AND APPROVAL WITH THE REST EFFECTIVE 7/1/11"**. Motion carried unanimously by roll call vote.

01:10:00 **Motion:** Sen. Shockley moved that **HB 161 BE CONCURRED IN AS AMENDED.**

Discussion:

01:10:10 Sen. Blewett
01:12:08 Sen. Larsen
01:13:40 Sen. Jent
01:18:57 Sen. Essmann
01:22:07 Sen. Peterson
01:24:24 Sen. Hutton
01:26:09 Sen. Hinkle
01:28:53 Sen. Vincent
01:32:52 Sen. Augare
01:34:40 Sen. Moss
01:37:30 Sen. Murphy
01:38:52 Sen. Shockley

01:41:24 **Vote:** Motion failed 6-6 with a tie by roll call vote with Sen. Hinkle, Sen. Jent, Sen. Hutton, Sen. Peterson, Sen. Shockley, and Sen. Essmann voting aye.

01:42:10 Chairman Murphy (appointed a sub-committee with Sen. Essmann as Chairman, Sen. Vincent and Sen. Larsen)

HEARING ON HB 18

Opening Statement by Sponsor:

01:42:44 Rep. Janna Taylor (R), HD 11, opened the hearing on HB 18, Vehicular homicide under the influence - minor prosecuted as adult.

Proponents' Testimony:

01:45:42 Col. Mike Tooley, Chief, Montana Highway Patrol (MHP), Department of Justice (DOJ), State of Montana
01:46:43 Mark Murphy, Montana County Attorneys Association (MCAA)

Opponents' Testimony:

01:51:14 Pat Mitchell, self

01:55:42 Niki Zupanic, American Civil Liberties Union (ACLU)

Informational Testimony:

None

Questions from Committee Members and Responses:

02:00:05 Sen. Blewett

02:00:45 Ms. Zupanic

02:03:22 Sen. Blewett

02:03:50 Mr. Murphy

Closing by Sponsor:

02:04:27 Rep. Taylor

ADJOURNMENT

Adjournment: 12:05 P.M.

Pam Schindler, Secretary

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Additional Documents:

EXHIBIT([jus57aad.pdf](#))